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Chairperson: Ms. Gittens-Joseph ..... (Trinidad and Tobago)

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00-74067 (E)

The meeting was called to order at 3.40 p.m.

Agenda item 109: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*) (A/C.3/55/L.66, L.67, L.68 and L.69)

Draft resolution A/C.3/55/L.66: New international humanitarian order

1. **The Chairman** informed the Committee that draft resolution A/C.3/55/L.66 had no programme budget implications.

2. **Mr. Prica** (Bosnia and Herzegovina), speaking on behalf of the sponsors, introduced draft resolution A/C.3/55/L.66 and announced that Thailand had become a sponsor. His delegation, along with that of the other main sponsor, Jordan, had tried to accommodate the suggestions received from numerous delegations and had taken into account the content of the report of the Secretary-General on the new international humanitarian order (A/55/545). In that context, he expressed regret that the report had been delayed for technical reasons. The draft resolution was an integral part of an ongoing intergovernmental process and he expressed the hope that, as in the case of similar draft resolutions in the past, it would be adopted without a vote.

3. There were a number of revisions to the draft resolution. In the fourth and fifth preambular paragraphs and paragraphs 2 and 6, the words "humanitarian and human rights law" should be replaced by the words "refugee law, international humanitarian law and human rights instruments". In the third preambular paragraph, the words "as well as other pertinent reports" should be deleted and footnote 4 should be adjusted accordingly by the deletion of the first reference. In the fourth preambular paragraph, the word "can" should be inserted before the word "lead" and the words "and inevitably" should be deleted. After the fourth preambular paragraph, the following new paragraph should be inserted: "*Noting* the importance of adherence to internationally accepted norms and principles as well as the need to promote, as required, national and international legislation to meet actual and potential humanitarian challenges". In the fifth preambular paragraph, the words "compliance in the field of" should be replaced by "strict adherence to" and the paragraph should end with the words "human rights law". The following new paragraph should be inserted after the fifth preambular paragraph: "*Noting* with appreciation the Inter-Agency Standing Committee's increased attention to addressing the security needs of personnel responding to these emergencies". In the sixth preambular paragraph, the words "at the appropriate time" should be inserted after the word "transition", and the remainder of the paragraph after the words "rehabilitation and reconstruction" should be replaced by the following: "and to facilitate local capacity-building and institution-building, as necessary, in the affected countries and regions,". In the seventh preambular paragraph, the word "solidarity" should be replaced by the word "coordination". In paragraph 1, the words "*Expresses* its appreciation to the Secretary-General for his" should be replaced by "*Takes note* of the Secretary-General's". In paragraph 2, the words "take all necessary measures" should be replaced by the word "continue" and the words "compliance with" should be replaced by the words "strict adherence to". In paragraph 3, the words "non-state actors" should be replaced by the words "others concerned" and the words "in this regard" should be replaced by the words "inter alia, through the relevant United Nations agencies and organizational mechanisms set up to address the assistance and protection needs of victims of complex emergencies, as well as the safety and security of United Nations and other humanitarian workers". After paragraph 3, the following new operative paragraph should be inserted (and the numbering of the remaining paragraphs should be adjusted accordingly): "*Calls on* all Governments and parties in complex humanitarian emergencies to ensure the safe and unhindered access of humanitarian personnel in order to allow them to perform efficiently their task of assisting the affected civilian populations;". In paragraph 4, after the words "future action" the remainder of the sentence should be deleted. In paragraph 5, the words "the Office for Coordination of Humanitarian Affairs, as well as relevant humanitarian bodies of" should be inserted before the words "the United Nations system".

4. **Mr. Hynes** (Canada) expressed satisfaction that some of his own delegation's suggestions had been taken into account by the main sponsors. He was, however, concerned that delegations had not had an opportunity to study the extensive revisions proposed. He therefore suggested that action on the draft

resolution should be postponed in order to allow delegations time to study them, in the hope that the draft resolution could then be adopted by consensus.

5. **The Chairperson** said she took it that the Committee wished to postpone action on the draft resolution.

6. *It was so decided.*

Draft resolution A/C.3/55/L.67: Office of the United Nations High Commissioner for Refugees

7. **The Chairperson** informed the Committee that draft resolution A/C.3/55/L.67 had no programme budget implications.

8. **Mr. Naess** (Norway) announced that the Philippines had withdrawn its sponsorship of the draft resolution and that Afghanistan, Antigua and Barbuda, Bahamas, Guinea, Kyrgyzstan, Malawi, Morocco, Namibia, Papua New Guinea, Swaziland, Tajikistan, Togo and Vanuatu had become sponsors.

9. **Mr. Oda** (Egypt), expressed his delegation's appreciation for the work of the Office of the United Nations High Commissioner for Refugees (UNHCR) as well as its support for the draft resolution as a whole, but said he regretted that the reference to the Guiding Principles on Internal Displacement in paragraph 20 had not been deleted. UNHCR activities must be carried out in accordance with the provisions of paragraph 16 of General Assembly resolution 53/125. Paragraph 20 prejudged the consultations under way with Member States with regard to their views on the Guiding Principles, in the light of international legal instruments. It was for that reason that his delegation had suggested that the reference should be deleted or that a reference to those consultations or the related discussions that had taken place during the humanitarian segment of the Economic and Social Council should be added at the end of the paragraph. Since that had not been done, his delegation felt obliged to ask for a recorded vote on paragraph 20, during which it would abstain.

10. *A recorded vote was taken on paragraph 20.*

In favour:

Albania, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Barbados, Belarus, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Ecuador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kyrgyzstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Swaziland, Sweden, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yugoslavia, Zambia, Zimbabwe.

Against:

None.

Abstaining:

Algeria, Bahrain, Bangladesh, Benin, Bhutan, Cambodia, Comoros, Cuba, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Egypt, India, Indonesia, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Nicaragua, Nigeria, Oman, Pakistan, Qatar, Saudi Arabia, Singapore, Sri Lanka, Sudan, Syrian Arab Republic, United Arab Emirates, Viet Nam.

11. *Paragraph 20 was adopted by 118 votes to none, with 30 abstentions.*

12. **Ms. de Carné de Trécesson** (France), speaking on behalf of the European Union, expressed regret that there had been a need to take a vote on a consensus text which was similar to that adopted the previous year. The point raised by the representative of Egypt had already been discussed in the Economic and Social Council and she did not believe it had been necessary to raise the matter once again.

13. **Mr. Bhatti** (Pakistan) reiterated his delegation's support for the Office of the United Nations High Commissioner for Refugees. He regretted that the sponsors had not heeded the concerns of many delegations with regard to paragraph 20 and that it had been necessary to take a recorded vote on that paragraph. He hoped that in future there would be real consensus based on negotiations and full cooperation.

14. **Mr. Sabharwal** (India) recalled that the Guiding Principles on Internal Displacement had not received intergovernmental approval and were not therefore binding on Member States, whose own domestic law prevailed within their territories — although that law should, of course, provide full protection for human rights. The reference to the Guiding Principles in paragraph 20 was unfortunate and gave unwarranted emphasis to them. His delegation, too, had requested that that reference be removed, but the main sponsor had chosen not to do so. For that reason his delegation had abstained.

15. **Ms. Ahmed** (Sudan) stressed her Government's appreciation for the Office of the United Nations High Commissioner for Refugees, with which it cooperated closely. She agreed with the representatives of Egypt, India and Pakistan that the references to the Guiding Principles on Internal Displacement had not received the necessary consensus support. Her delegation, while supporting the draft resolution as a whole, had therefore regretfully had to abstain. She hoped that in the future Member States would work together to achieve true consensus.

16. **Mr. Carle** (United States of America) said that his Government was proud of its close relationship with UNHCR and had played a leadership role in supporting the agency. While it strongly endorsed many aspects of the draft resolution — in particular the commendation of the High Commissioner and her staff (third preambular paragraph), the reaffirmation of the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto (para. 4) and the endorsement of the report of the Executive Committee of the Programme of UNHCR (para. 1) — his delegation considered that the only draft resolution specifically devoted to UNHCR should accurately reflect the decisions and expertise of its Executive Committee. Although the original version of paragraph 14 had contained the consensus language adopted by the Executive Committee in its decision on safety of staff of UNHCR and all other humanitarian personnel, the text before the Committee did not. The intention to ensure protection for all humanitarian personnel, including those employed by Governments, intergovernmental organizations and non-governmental organizations (including staff of the International Red Cross and Red Crescent Movement) had thus been obscured.

17. His delegation was pleased to join the consensus, but could not sponsor a draft resolution which certain delegations had made last-minute efforts to politicize. The process that had produced the text was seriously flawed, and that was all the more regrettable in view of the 50-year consensus in support of a vitally important Organization which provided life-saving protection and assistance to tens of millions of the world's most vulnerable individuals.

18. **Ms. Samah** (Algeria) reiterated her Government's support for UNHCR and stressed that the vote on paragraph 20 did not call into question the Agency's merits.

19. **Mr. Hynes** (Canada) joined previous speakers in expressing regret that a vote on an individual paragraph had proved necessary. In view of the result of the vote and the fact that the paragraph contained the agreed language adopted by consensus in the past, the burden of restoring consensus should at least be shared by the delegations which had requested the vote.

20. **Mr. Naess** (Norway) said that his delegation was disappointed that a vote had been taken on paragraph 20, particularly at a time when UNHCR was commemorating its fiftieth anniversary.

21. **Mrs. Brobbey** (Ghana) said that she would have voted in favour of paragraph 20 had she been present.

22. *Draft resolution A/C.3/55/L.67 as a whole was adopted.*

23. **Mr. Vaswani** (Singapore) said that his Government supported the general thrust of draft resolution A/C.3/55/L.67, but continued to have reservations about the provision relating to asylum. Paragraph 6 reaffirmed that everyone had the right to seek and enjoy in other countries asylum from persecution. That provision should, however, not necessarily be interpreted as recognition of an absolute right to asylum. Singapore had never recognized that there was an unrestricted or automatic right to asylum. That had been its consistent national practice, which was based on its natural limitations and vulnerabilities.

24. Instead of giving unqualified affirmation to the right to asylum, it would have been more realistic and constructive to acknowledge that contemporary international practices varied depending on national circumstances and policies.

25. **Mr. Sabharwal** (India) expressed his Government's full support for the outstanding work done by UNHCR in the face of daunting challenges. Although his delegation had not stood in the way of a consensus, it had been unable to join the sponsors. It was aware that there was a body of opinion that attempted to resolve complex refugee issues by acceding to treaties. India, however, was not a signatory to the 1951 Convention relating to the Status of Refugees, since that instrument did not address problems of massive refugee flows and mixed migration. His Government's commitment to humanitarianism remained second to none. India was host to large numbers of refugees and managed its refugee programmes entirely from its own resources.

26. His delegation had particular reservations with regard to paragraph 4 which, inter alia, encouraged States to strengthen their efforts to promote broader accession to the 1951 Convention and the 1967 Protocol. With regard to paragraph 20, it was the view of his delegation that States had the primary responsibility for providing assistance and protection to internally displaced persons; international action should remain within the bounds of national sovereignty and should only be taken at the request of the State concerned.

27. **Mr. Tomos** (Dominican Republic), speaking as a sponsor, said that the provision in paragraph 10 condemning the refoulement and unlawful expulsion of refugees should not be understood as meaning that his country renounced its sovereign right to apply its immigration policy within the norms of international law and with absolute respect for human rights.

28. **Mr. Nteturuye** (Burundi), confirming his delegation's sponsorship of draft resolution A/C.3/55/L.67, said that he had not been present during the vote on paragraph 20.

Draft resolution A/C.3/55/L.68: Pledging Conference of the United Nations High Commissioner for Refugees

29. **Ms. Newell** (Secretary of the Committee) read out a statement from the Programme Planning and Budget Division which outlined the conference-servicing implications of draft resolution A/C.3/55/L.68. Under the terms of the operative paragraph of the draft resolution, the General Assembly would decide, in order to improve and rationalize the funding mechanism following the adoption of the annual programme budget, that the ad hoc Committee of the General Assembly might be convened as from 2001 at Geneva, the Headquarters of UNHCR. That would involve a half-day meeting with interpretation in all six languages and no documentation, which could be accommodated in Geneva in December 2001. It should be noted, however, that in accordance with General Assembly resolution 40/243, paragraph 4, the venue of the meeting should be New York. The holding of the meeting in Geneva would therefore require an exception to the headquarters principle embodied in that resolution. Should the General Assembly adopt the draft resolution, no additional appropriation for conference services would be required for the 2000-2001 biennium.

30. **The Chairperson** announced that Albania, Botswana, Chad, Chile, Cyprus and Indonesia had become sponsors.

31. *Draft resolution A/C.3/55/L.68 was adopted.*

Draft resolution A/C.3/55/L.69: Fiftieth anniversary of the Office of the United Nations High Commissioner for Refugees and World Refugee Day

32. **Mr. Alfeld** (South Africa), speaking on behalf of the sponsors, said that Albania, Bolivia, Botswana, Burkina Faso, Cameroon, Chad, Colombia, Comoros, Croatia, Cyprus, Estonia, Ethiopia, Haiti, Honduras, Iceland, Indonesia, Liechtenstein, Malawi, Malta, Morocco, Nepal, Nicaragua, the Philippines, Rwanda, Senegal, Sierra Leone, Togo and Tunisia had joined the sponsors.

33. *Draft resolution A/C.3/55/L.69 was adopted.*

Agenda item 114: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/55/L.41, L.47/Rev.1, L.52 and L.56/Rev.1)

Draft resolution A/C.3/55/L.41: Elimination of all forms of religious intolerance

34. **The Chairperson** reminded the Committee that it was the general practice that statements introducing draft proposals should be confined to issues addressed in those proposals. During the introduction of draft resolution A/C.3/55/L.41 at the Committee's 50th meeting on 7 November, references had been made by the delegation of Ireland to two specific countries, and it was believed that those references should not have been made during the introduction of the draft resolution. Following discussions with the delegations concerned, it had been agreed that the references to those two countries should be deleted from the summary record of the meeting (A/C.3/55/SR.50).

35. The draft resolution had no programme budget implications.

36. **Ms. Newell** (Secretary of the Committee) read out a statement from the Office of the Controller in which the Committee's attention was drawn to paragraph 19 of the draft resolution, in which the Secretary-General was requested to ensure that the Special Rapporteur received the necessary resources to enable him to fully discharge his mandate, and also to the provisions of General Assembly resolution 45/248 B, section VI.

37. **The Chairperson** said that Eritrea, Haiti, Honduras and Nicaragua had joined the sponsors.

38. **Mr. Cherif** (Tunisia), speaking as a sponsor, said that, while his delegation supported the substance of draft resolution A/C.3/55/L.41, it did not associate itself with the statement made by the main sponsor at the 50th meeting. Country representatives should not assume the role of special rapporteurs, particularly during the introduction of draft resolutions. Nor should they speak on behalf of all the sponsors without consulting all those concerned. His delegation was satisfied that a solution had now been reached.

39. *Draft resolution A/C.3/55/L.41 was adopted.*

40. **Mr. Yu Wenzhe** (China) said that the delegation of Ireland had used the introduction of the draft resolution as an opportunity to make groundless accusations, creating the impression that it was targeted at specific countries. All statements introducing draft resolutions should be confined to the contents thereof.

Draft resolution A/C.3/55/L.47/Rev.1: Respect for the purposes and principles contained in the Charter of the United Nations to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms and in solving international problems of humanitarian character

41. **The Chairperson** said that draft resolution A/C.3/55/L.47/Rev.1 had no programme budget implications. She announced that Chad and Ethiopia had joined the sponsors.

42. **Mr. Reyes Rodriguez** (Cuba) said that the draft resolution was essentially a reaffirmation of the fundamental principles underlying the work of the multilateral system of the United Nations, and it recognized the vital role of regional arrangements in promoting and protecting human rights and in dealing with humanitarian problems. In order to protect the multilateral system, which was particularly important to the developing countries, it was necessary to ensure that all the principles of the Charter were observed.

43. Following painstaking consultations undertaken by his delegation, two further revisions had been agreed. In the eighth preambular paragraph, the word "Recalling" should be replaced by "Reaffirming", and the last part of paragraph 2, starting with the words "and affirms that", should be replaced by: "... and *affirms* that all States in these activities must fully comply with the principles set forth in Article 2 of the Charter, in particular respecting the sovereign equality of all States and refraining from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations." The direct reference to non-intervention in the affairs of other States had been removed to take into account the concerns expressed, in particular, by African delegations in the light of recent developments on their continent. The new wording followed closely paragraphs 1 and 4 of Article 2 of the Charter.

44. **Mr. Hynes** (Canada), speaking in explanation of vote before the voting, said that the draft resolution was not an appropriate vehicle for addressing what was undoubtedly an important issue. Its selective use of language from the Charter and other international human rights instruments did not reflect the spirit or balance of the Charter. It focused too strongly on national sovereignty without including the counterbalancing language on human rights, suggesting

that sovereignty was a shield behind which human rights could be violated with impunity. His delegation would therefore vote against the draft resolution.

45. **Ms. de Carné de Trécesson** (France), speaking on behalf of the European Union, said that the European Union naturally supported the purposes and principles of the Charter, but its efforts to have the draft resolution amended so that it stayed within the scope of the Third Committee's work had not been entirely successful. The draft resolution touched on humanitarian issues that were normally dealt with in the plenary Assembly and on legal matters that were normally dealt with by the Sixth Committee. Moreover, although the revised draft resolution was closer to the language of the Charter, it still reflected only a partial view of cooperation in the field of human rights and was selective in its references to the Charter and other instruments. Paragraph 2 of the draft resolution had certainly been improved, but other parts were still too problematic for consensus to be possible. The European Union was therefore opposed to the inclusion of the question in the agenda of the fifty-sixth session of the General Assembly, as proposed in paragraph 6.

46. The draft resolution was actually concerned with something other than encouraging respect for human rights and fundamental freedoms and ignored all the instruments adopted after the Charter with a view to achieving that objective. Furthermore, it added nothing to the debate on the topic in other parts of the United Nations system. The States members of the European Union would therefore vote against it.

47. **Ms. Nishimura** (Japan), speaking also on behalf of the Republic of Korea, said that international cooperation in promoting and protecting human rights and in solving humanitarian problems was, of course, very important, but the ambitious link between human rights and humanitarian questions and the purposes and principles of the Charter and international law was a matter for the legal and humanitarian experts of the Sixth Committee and for the General Assembly at its plenary meetings.

48. Her delegation had unsuccessfully requested the main sponsor to restrict the scope of the draft resolution to human rights and, with only some success, had requested the inclusion of important language from the Vienna Declaration and Programme of Action. Mainstreaming human rights in the United Nations system did not mean that the Third Committee could discuss any issue it chose, but rather that other committees had to take a human rights perspective into account in their work.

49. Her delegation and that of the Republic of Korea would therefore vote against the draft resolution.

50. **Ms. Toomey** (Australia), speaking in explanation of vote before the vote, said that her Government was fully committed to the purposes and principles of the Charter and to the protection of human rights, but her delegation would be voting against the draft resolution for two main reasons. First, the Third Committee should not pre-empt a thorough examination of the complex relationship between human rights and international humanitarian problems by all the relevant organs of the United Nations system. Second, the draft resolution was too selective in its use of elements of the Charter: in particular, the new revised paragraph 2 drew on paragraphs 1 and 4 of Article 2, but not on paragraph 7 of that Article or other relevant parts of the Charter.

51. *A recorded vote was taken.*

In favour:

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Chad, China, Colombia, Comoros, Costa Rica, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Ghana, Guinea, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Mauritius, Mexico, Mongolia, Mozambique, Myanmar, Namibia, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Sierra Leone, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zambia and Zimbabwe.

Against:

Andorra, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech

Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Slovakia, Slovenia, Spain, Sweden, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America.

Abstaining:

Argentina, Brazil, Cape Verde, Chile, Côte d'Ivoire, Guatemala, Madagascar, Malawi, Malaysia, Mali, Nicaragua, Paraguay, Peru, Philippines, Rwanda, Senegal, Singapore, South Africa, Thailand, Uganda and Uruguay.

52. *Draft resolution A/C.3/55/L.47/Rev. 1, as orally revised, was adopted by 78 votes to 51, with 21 abstentions.*

53. **Ms. Paterson** (New Zealand) said that, while the principle of national sovereignty must be maintained, the United Nations must not be denied the possibility of intervening in an appropriate way when faced with the suffering of innocent people. There was no contradiction between intervention and sovereignty: Article 2, paragraph 7, of the Charter made it clear that there were circumstances in which Member States did not have exclusive jurisdiction over their domestic affairs, particularly in the case of measures under Chapter VII of the Charter. In other words, the Charter provided that measures to preserve international peace and security could override State sovereignty. The draft resolution, however, with its selective references to the Charter, failed to reflect that adequately, compelling her delegation to vote against it.

54. **Mr. Carle** (United States of America) said that the draft resolution included language and concepts that were inconsistent with the Charter of the United Nations. It emphasized certain principles of the Charter at the expense of other, equally important, principles and was thus effectively an attempt to rewrite the Charter in order to undercut international support for individual liberty. It also appeared to be an attempt to restrict the ability of the United Nations to respond to humanitarian crises and, if put into practice, would reduce the usefulness of the United Nations in responding to problems of any kind. Moreover, as every crisis was unique, Member States should do nothing that would restrict their freedom to respond to future crises on a case-by-case basis. He agreed with the statement in the Millennium Report of the Secretary-General that "surely no legal principle — not even sovereignty — can ever shield a crime against humanity" (A/54/2000, para.219). As the draft resolution tried to build just such a shield, his delegation had voted against it.

55. **Mr. Belli** (Brazil) said that his delegation had abstained in the vote even though some of its concerns had been taken into account by the sponsors, because the draft resolution dealt with matters that did not fall within the purview of human rights forums. The agenda of the Commission on Human Rights and the Third Committee should focus on improving the mechanisms at their disposal for implementing freely undertaken obligations, while matters relating to peace and security, the use of force and intervention should be discussed in the appropriate setting. Nevertheless, his delegation would welcome a debate on the legal and political implications of the links between human rights, humanitarian questions and the use of force, provided that the debate was held in the plenary Assembly or some other mechanism of universal participation not directly linked to a specific substantive committee.

56. **Mr. Plorutti** (Argentina) reaffirmed his Government's commitment to the purposes and principles of the Charter and to respect for human rights. No circumstances could justify the violation of human rights and fundamental freedoms, and the international community could not be expected to look on passively while gross violations took place. Moreover, the notion of security must take into account the well-being of the individual. At the same time, any action by the international community against such violations must be firmly grounded in international standards. The Charter, particularly Chapter VII, should be the basis for establishing a new international consensus on the circumstances and manner in which the international community should take action. That new consensus was not under discussion in the Third Committee as it was outside the Committee's scope.

57. There was no obvious link between the promotion and protection of human rights and the debate under way on international action in cases of massive violations of human rights. As the draft resolution

appeared to pre-empt the outcome of that debate, his delegation had abstained in the vote.

58. **Mr. Manyokole** (Lesotho) said that his delegation would have voted in favour of the draft resolution if it had been present at the time of the vote.

59. **Mr. Sangaré** (Mali) said that his delegation had abstained in the vote. The Charter was certainly the primary frame of reference for international relations and international cooperation was the most legitimate way to manage international affairs. However, sovereignty did not give States a licence to flout universal standards, and any intervention in the affairs of other States must be carried out within the framework of the United Nations system. A better definition of intervention was needed, so as to establish when it was necessary and what form it might take.

60. **Mr. Quesada López** (Honduras) said that his delegation had voted against the draft resolution by mistake; it had meant to abstain.

Draft resolution A/C.3/55/L.52: Question of enforced or involuntary disappearances

61. **The Chairperson** said that draft resolution A/C.3/55/L.52 had no programme budget implications.

62. **Mr. Le Bret** (France), speaking on behalf of the original sponsors, as well as Australia, Cyprus, Latvia, Liechtenstein, Malta, New Zealand, Niger, Norway, the Republic of Moldova, Senegal, Sierra Leone and Slovenia, which had joined the sponsors, said that the seventh preambular paragraph of the draft resolution should read: "*Taking note* with interest of the initiatives taken at the national and international level to end impunity,".

63. **Mr. Hynes** (Canada) said that his delegation accepted the revision, although it understood the international initiatives to which the new preambular paragraph referred to include acts of enforced or involuntary disappearance defined as crimes against humanity under the Statute of the International Criminal Court. The fact that such crimes came under the jurisdiction of the Court had been recognized and welcomed in various resolutions, including Commission on Human Rights resolution 2000/37.

64. **Mr. Mesdoua** (Algeria) said that his delegation attached considerable importance to the question of enforced and involuntary disappearances and was grateful to the main sponsor for reformulating the seventh preambular paragraph of the draft resolution.

65. The deletion of the reference to the Statute of the International Criminal Court was important, because the Statute did not address the interests and concerns of a number of countries and had not been adopted by consensus. Furthermore, crimes relating to enforced or involuntary disappearances would not come within the Court's purview until the Statute's entry into force.

66. His delegation had been disconcerted by the adoption of Commission on Human Rights resolution 2000/37, which welcomed an instrument that had not yet entered into force, and hoped that the sponsors of the draft resolution now under consideration would take account of its concerns at the next session. The tendency of certain States to refer in proposed texts to a body that did not exist was also extremely surprising.

67. While the oral revision to the draft resolution partially addressed his delegation's concerns, it would have been preferable for all references to the International Criminal Court to have been removed. His delegation continued to have reservations about the seventh preambular paragraph and would have abstained had a recorded vote been requested. Although his delegation supported the principle that action should be taken to end impunity, it had questions as to the methods to be used at the international level. In spite of the aforementioned reservations, his delegation had joined the consensus in recognition of the importance of the subject matter.

68. **Mr. Sabharwal** (India) said that his delegation understood crimes against humanity to be crimes committed in times of war. When perpetrated other than in a conflict situation, such crimes should be prosecuted by States under their ordinary criminal law. The enforced or involuntary disappearances to which the draft resolution referred did not constitute crimes against humanity.

69. *Draft resolution A/C.3/55/L.52, as orally revised, was adopted.*

70. **Ms. Al-Hajaji** (Libyan Arab Jamahiriya) said that, had a vote been requested, her delegation would have voted against the seventh preambular paragraph and abstained on the draft resolution as a whole.

71. Her delegation believed that national courts alone should prosecute persons responsible for enforced or involuntary disappearances. Moreover, the seventh

preambular paragraph was ambiguous, since it did not specify the types of initiatives that might be taken at the international level or who would carry them out. Her delegation had strong reservations about the paragraph and wished to dissociate itself from its provisions.

Draft resolution A/C.3/55/L.56/Rev.1: Promotion of a democratic and equitable international order

72. **The Chairperson** said that draft resolution A/C.3/55/L.56/Rev.1 had no programme budget implications.

73. **Ms. de Armas Garcia** (Cuba), speaking on behalf of the original sponsors, as well as Namibia, Malaysia and Mauritania which had joined them, said that Ghana had been included among the sponsors by mistake and that its name should be deleted from the final text.

74. Her delegation had sought to hold broad, open and inclusive consultations in order to elaborate a text addressing many delegations' concerns. While a very similar resolution had received wide endorsement in the Commission on Human Rights, the sponsors had made significant changes to the current text in order to reflect delegations' views. They hoped that those efforts would be rewarded when it came to the vote.

75. The relationship between democracy and the realization of human rights had been acknowledged in a number of international resolutions and instruments. Democracy was not limited to the national sphere, but was related to the ability of all peoples to exercise their right to participate equally in the decision-making process at the international level.

76. While the draft resolution was aimed principally at developing countries, it should receive broad support. The text mentioned a series of individuals and groups whose right to self-determination, development and sovereignty over their natural wealth and resources was enshrined in a broad range of internationally agreed documents. It therefore contained nothing of a controversial nature.

77. **Mr. Le Bret**, speaking on behalf of the European Union in explanation of vote before the vote, said that the European Union had reviewed the draft resolution with close attention in view of the importance it attached to a subject which it had addressed in other forums. It was convinced of the need to work for an equitable international economic order and had never shied away from expressing its commitment to achieving that particular goal.

78. Regrettably, however, the European Union was unable to support the draft resolution since the initiative did not appear to fall within the Committee's purview. It was nonetheless grateful to the sponsors for their efforts to accommodate the concerns it had expressed.

79. The revisions did not address the European Union's fundamental concerns, including the fact that references to documents of other functional committees had been made without regard to context. In addition, the text failed to stress the need for an equitable and just national order, an important matter which had been raised in the report of the Secretary-General on globalization and its impact on the full enjoyment of all human rights (A/55/342, para.11). The draft resolution ought to have mentioned the importance of ensuring that the international order helped to create the conditions needed for respect for, and the promotion of, human rights by all States.

80. The European Union remained opposed to the draft resolution, as it had been when a similar text had been introduced in the Commission on Human Rights.

81. **Ms. Nishimura** (Japan), speaking also on behalf of Australia, Canada, New Zealand, Norway, the Republic of Korea and the United States of America, said that those delegations had participated in informal consultations from the very outset and believed that a genuine effort had been made to reach a consensus. Regrettably, no consensus had been reached as to the definition of a democratic and equitable international order, a concept at the heart of the text. The same issue had been raised during the fifty-sixth session of the Commission on Human Rights when the sponsors had been unable to provide a satisfactory response.

82. Consideration of issues under agenda item 114 (b) should focus on human rights rather than the international economic order. The selective use in paragraphs 1 and 2 of language from the Universal Declaration of Human Rights and the language used in the tenth and twelfth preambular paragraphs, as well as in paragraphs 3 (b), (e), (g) and (i) and paragraph 7 were therefore unacceptable.

83. The protection and promotion of human rights and fundamental freedoms was primarily the responsibility of Governments. Close study of the

concepts and elements of the draft resolution was required before the delegations on whose behalf he was speaking could endorse the draft resolution. Accordingly, they would vote against it.

84. *A recorded vote was taken.*

In favour:

Algeria, Angola, Antigua and Barbuda, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Chad, China, Colombia, Comoros, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gambia, Ghana, Guinea, Guyana, Haiti, Honduras, India, Indonesia Iran (Islamic Republic of), Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malaysia, Mali, Mauritius, Mexico, Mongolia, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Philippines, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Sierra Leone, Singapore, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zambia and Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, South Africa, Spain, Sweden, The former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America.

Abstaining:

Argentina, Cape Verde, Costa Rica, Fiji, Guatemala, Madagascar, Malawi, Morocco, Paraguay, Peru, Rwanda, Senegal and Uruguay.

85. *Draft resolution A/C.3/55/L.56/Rev. 1 was adopted by 91 votes to 50, with 13 abstentions.*

86. **Mr. Vienravi** (Thailand), speaking in explanation of vote, said that his delegation had voted in favour of the draft resolution because it believed in a more democratic and transparent international decision-making process which would have a direct effect on the socio-economic development of people in all developing countries.

87. His Government had repeatedly affirmed its commitment to human-centred development and believed that every individual in any given society should be the prime beneficiary of national development efforts and integration into the world economic system. That would inevitably entail the promotion and protection of the human rights of all individuals and thus allow them to realize their potential to the fullest.

Draft decision

88. **The Chairperson** suggested that the Committee should recommend to the General Assembly that it should take note of the following documents: the note by the Secretariat on human rights and unilateral coercive measures (A/55/214 and Add.1); the report of the Secretary-General on protection of migrants (A/55/275 and Add.1); the report of the Secretary-General on the right to development (A/55/283); and the note by the Secretary-General transmitting to the General Assembly the report of the United Nations High Commissioner for Human Rights on the right to development (A/55/302).

89. *It was so decided.*

The meeting was suspended at 6 p.m. and resumed at 6.45 p.m.

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

Draft resolution A/C.3/55/L.42/Rev.2: Situation of human rights in parts of South-eastern Europe (continued)

90. **The Chairperson** said that draft resolution A/C.3/55/L.42/Rev.2 had no programme budget implications.

91. **Mr. Carle** (United States of America), after announcing that Albania, Iceland, Israel, Latvia and Lithuania had become sponsors of the draft resolution, said that the text had been revised: the second preambular paragraph should end after "1977[6]" and the following new preambular paragraph should be added immediately thereafter: "*Taking note* of the principles and commitments undertaken by participating States of the Organization for Security and Cooperation in Europe".

92. **Mr. Mladenović** (Yugoslavia), speaking in explanation of vote before the voting, said that the new Government of his country was committed to ensuring the enjoyment of human rights as a basis for a democratic, open society.

93. He regretted that the draft resolution did not fully correspond to the situation on the ground and that the language used therein was inappropriate in the light of recent developments. The wording of Security Council resolution 1244 (1999) provided the only basis for discussion of issues relating to Kosovo and must be interpreted *stricto sensu*.

94. Furthermore, with due respect for the recent democratic changes in Croatia, a reference to the situation of human rights in that country and, in particular, to the return of refugees and displaced persons as the key to stability in the wider region, should have been retained in the text.

95. He regretted that his delegation had been unable to participate in negotiations on the draft resolution from the outset owing to the fact that the Federal Republic of Yugoslavia had not been admitted to membership in the United Nations until November 2000. In future, however, it was ready to participate in the work of the General Assembly and of other United Nations bodies.

96. **The Chairperson** said she welcomed the fact that the representative of the Federal Republic of Yugoslavia had been able to make a statement to the Committee before the conclusion of its work.

97. *Draft resolution A/C.3/55/L.42/Rev.2, as orally revised, was adopted.*

98. **Mr. Rogov** (Russian Federation) thanked the sponsors, in particular, the delegation of the United States of America, for their open and constructive approach and their willingness to take differing approaches into account during negotiations on the draft resolution. The difficulty of that process lent even greater importance to the draft resolution's adoption by consensus.

99. However, his delegation still had a number of reservations. It would have preferred to have the draft resolution include a firm statement that Kosovo was part of the Federal Republic of Yugoslavia, in accordance with Security Council resolution 1244 (1999). It also objected to the statement in paragraph 33 of the draft resolution that the General Assembly welcomed the recent holding of peaceful municipal elections in Kosovo, since the Serbian population and other minorities had been excluded from the democratic process, a fact that would have a negative effect on conflict resolution in the area. Furthermore, the draft resolution did not adequately reflect the comments and conclusions of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia, who had drawn attention to the ethnic cleansing of Serbs and other ethnic minorities, the mono-ethnic character of the recent elections, the participation of criminal elements in the election process, the fact that Kosovo was becoming a focus for illicit traffic in narcotic drugs, and the attacks committed by armed men in southern Serbia.

100. **Ms. Šimonović** (Croatia) said that her delegation had noted with interest the change in title of the current year's draft resolution and the decrease in the number of countries considered therein, which was a direct consequence of their improved human rights situation. The announcement by the main sponsor of the draft resolution during his introductory statement that the human rights situation in Croatia had not been considered during the current year's negotiations was a clear recognition of her Government's achievements in that regard and was timely in the light of the Council of Europe's recent decision to discontinue its monitoring of human rights in Croatia. Her Government remained committed to taking further steps in the implementation of human rights for the benefit of all its citizens.

101. **Mr. Aguzzi** (Venezuela) said that the specific references to Kosovo in the draft resolution must be

interpreted without prejudice to the sovereignty of States.

102. **Ms. Al-Hajaji** (Libyan Arab Jamahiriya) said she hoped that the reference to the Organization for Security and Cooperation in Europe in the new third preambular paragraph would not set a precedent for future resolutions. The principles mentioned in that paragraph were those of a regional organization whose commitments applied only to its members.

103. She was also concerned that the draft resolution appeared to place Kosovo on an equal footing with States and as a separate entity from the Federal Republic of Yugoslavia, a fact which threatened the independence, sovereignty and integrity of States.

104. **Mr. Prica** (Bosnia and Herzegovina) welcomed the Federal Republic of Yugoslavia's return to the United Nations and said he hoped that continued improvement in the region would soon make the annual draft resolution on the matter unnecessary.

105. **Ms. Gligorova** (The former Yugoslav Republic of Macedonia) said that she welcomed the consensus on the draft resolution. She hoped that the promotion and protection of human rights and further democratic changes in the Federal Republic of Yugoslavia and in Bosnia and Herzegovina would lead to increased stability in those countries and in the region as a whole.

Draft resolution A/C.3/55/L.62/Rev.1: Situation of human rights in the Democratic Republic of the Congo (continued)

106. **The Chairperson** said that draft resolution A/C.3/55/L.62/Rev.1 had no programme budget implications.

107. **Ms. de Carné de Trécesson** (France) announced a number of revisions to the draft resolution. An "s" should be added to the word "obligation" in the fourth preambular paragraph. In the sixth preambular paragraph, the word "all" should be deleted, and the words "as mentioned in the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo" should be added after the word "conflict,". In paragraph 1 (b), the words "of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo" should be added after the words "Special Rapporteur". A comma should be added after the date "2000" in paragraph 1 (f), and the words "Lusaka Ceasefire" should be added before "agreement" in paragraph 3 (a). Furthermore, in the French text, the word "*travaux*" should be replaced by "*efforts*" in paragraph 1 (e) and the word "*effrénées*" by "*excessifs*" in paragraph 2 (d). The text of the draft resolution in the other languages should be amended accordingly.

108. **The Chairperson** announced that a recorded vote had been requested.

109. **Mr. Ileka** (Democratic Republic of the Congo) said that, after consultations with the representatives of the European Union, his delegation had agreed to the wording of the draft resolution as orally revised. He was therefore surprised that a vote had been requested and asked which delegation had requested it.

110. **Mr. Mutaboba** (Rwanda) said that he was surprised at the revisions to the draft resolution and disappointed that those which he had proposed to the sponsors had not been accepted. For that reason, he had opposed the adoption of the draft resolution by consensus.

111. **The Chairperson** clarified that it was the delegation of Rwanda which had requested the recorded vote.

112. **Ms. Otiti** (Uganda), speaking in explanation of vote before the voting, said her delegation felt that the fourth preambular paragraph should refer to all Security Council resolutions rather than merely to one. It also objected to the sixth preambular paragraph as recently revised by the French representative. The fact that the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo had himself acknowledged that his report (A/55/403) had not been well researched should have prompted the sponsors to use wording which would simply take note of that report, rather than welcome it, as in paragraph 1. Her delegation also disagreed with subparagraphs 2 (c) (v), 2 (e) and 2 (f). It was regrettable that the draft resolution did not address the situation of human rights with regard to the Government of the Democratic Republic of the Congo; that should have been its main purpose. For those reasons, her delegation would vote against the draft resolution.

113. **Mr. Nteturuye** (Burundi) said that his delegation agreed that the fourth preambular paragraph should not merely refer to Security Council resolution 1304 (2000) as a number of other pertinent resolutions had

been adopted. Paragraph 1 should not begin with the word "*Welcomes*", but rather with "*Takes note*", since the report mentioned in paragraph 1 (a) included assertions concerning Burundi that were incorrect. In paragraphs 2 (c), 2 (c) (v), 2 (e) and 2 (f), the phrase "in the eastern part of the country" should be removed, as the violation of human rights in the Democratic Republic of the Congo was taking place throughout the country, which was an integral whole. There was no reason to treat certain regions differently from others. Notwithstanding those points, on which his delegation disagreed with the wording in the draft resolution, it welcomed the initiative taken by the international community to draw attention to the violation of human rights in the Democratic Republic of the Congo and it would abstain in the vote.

114. **Mr. Mutaboba** (Rwanda) said that he fully endorsed the statement made by the representative of Burundi. In addition, the word "all" in the sixth preambular paragraph should be maintained, and not deleted. The wording of the draft resolution was unfair, as it merely took note of summit meetings of Heads of State or Government in the fifth preambular paragraph and later went so far as to welcome the report of the Special Rapporteur, in paragraph 1. His delegation considered the draft resolution as revised by France to be unacceptable. It would join in the consensus if its concerns were addressed, but otherwise it would vote against it.

115. **Mr. Ileka** (Democratic Republic of the Congo) pointed out that the three delegations which had just expressed disagreement with the draft resolution concerning the situation of human rights in his country, one of which had requested a vote, represented the three countries that his Government had always identified as the aggressors in the Democratic Republic of the Congo. That provided confirmation that it was those three Governments which violated human rights in the Democratic Republic of the Congo, as was stated in the report of the Special Rapporteur. Security Council resolution 1304 (2000) specifically called upon the Governments of Rwanda and Uganda to withdraw their forces, called for the establishment of an international investigation of the pillaging of natural and other resources, and called upon Rwanda and Uganda to make reparations to the population of Kisangani following the hostilities that had taken place between their forces in June 2000.

116. The European Union had hoped to do the right thing by denouncing violations of human rights in the eastern part of the Democratic Republic of the Congo without naming those responsible, but that attempt had backfired. Rwanda believed it was entitled to anything and everything because it had been the victim of genocide and it had intervened militarily in his country to pillage its wealth, massacre its population and systematically violate humanitarian law.

117. **Mr. Mutaboba** (Rwanda), speaking on a point of order, said he felt that the direction taken by the representative of the Democratic Republic of the Congo in his statement would lead to an impasse. It was important to bring such recriminations to an end without delay.

118. **Mr. Ileka** (Democratic Republic of the Congo) said that, on the pretence of decency, the sponsors of the draft resolution had chosen not to mention Rwanda by name. The treatment of massacres of innocent Congolese civilians by Rwandan forces in the draft resolution was therefore questionable. It was beyond reason that the Rwandan delegation should demand that such a draft resolution, which protected the interests of Rwanda in such a way, should be put to the vote.

119. *A recorded vote was taken.*

In favour:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Brazil, Bulgaria, Canada, Chad, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Gambia, Georgia, Germany, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia, Federated States of Monaco, Mongolia, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Saudi Arabia, Slovakia, Slovenia, South Africa, Spain, Sweden, The former Yugoslav Republic of Macedonia, Trinidad and Tobago,

Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yugoslavia.

Against:

Rwanda, Sudan, Syrian Arab Republic, Uganda.

Abstaining:

Algeria, Angola, Bahrain, Bangladesh, Bhutan, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Comoros, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Ethiopia, Ghana, India, Indonesia, Iran (Islamic Republic of), Jordan, Kenya, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nigeria, Pakistan, Papua New Guinea, Philippines, Qatar, Senegal, Sierra Leone, Singapore, Sri Lanka, Swaziland, Thailand, Togo, Tunisia, United Arab Emirates, United Republic of Tanzania, Zimbabwe.

120. *Draft resolution A/C.3/55/L.62/Rev.1, as orally revised, was adopted by 94 votes to 4, with 55 abstentions.*

121. **Mr. Mowla** (Bangladesh) said that his delegation had abstained not because of the specific content of the resolution but because of its principled position regarding country-specific human rights resolutions.

122. **Ms. Ahmed** (Sudan) said that her delegation had intended to abstain rather than vote against the draft resolution.

123. **Mr. Ileka** (Democratic Republic of the Congo) said that his delegation had abstained in recognition of the fact that the draft resolution took into account certain positive developments in the human rights situation in the Democratic Republic of the Congo which the General Assembly would welcome. For example, the draft resolution recognized the cooperation between the Government and the Human Rights Field Office, the positive effects of the general amnesty decreed by the Government, the demobilization of child soldiers, the Government's desire to reform the judicial system and progressively to abolish the death penalty, and its intention to ensure that civilians would no longer be brought before the Military Court. The draft resolution reflected to a great extent the balance in the report of the Special Rapporteur (A/55/403). The Special Rapporteur had had the courage to recognize that in the territory under the control of the Congolese Government the most affected rights were political ones, while in the territory controlled by the Burundian, Rwandan and Ugandan aggressors the most serious violations concerned fundamental rights, including the right to life and physical integrity. The Special Rapporteur had noted in his report that it was the armies of Rwanda, Uganda, Burundi and the Rassemblement congolais pour la démocratie (RCD) which were causing the greatest damage and which had once again committed terrible massacres of the civilian population, and had stated that the most serious incidents were the massacres committed by RCD and Rwandan forces and attacks on civilians during the Rwandan-Ugandan wars on Congolese territory.

124. Unlike the Special Rapporteur, who had recognized that the human rights situation in the Democratic Republic of the Congo was dynamic, the European Union appeared to suffer from a faulty and outdated perspective according to which it subjectively decided who was right and who was wrong. The draft resolution was therefore flawed in that it repeated a number of concerns which had already been addressed by the Congolese Government. For example, the sixth preambular paragraph would have the General Assembly express its concern at the incitement by the parties to ethnic hatred and violence without naming those responsible; that was a gross simplification which was both irresponsible and dangerous. Noting that paragraph 2 (c) listed towns in which massacres of civilians had taken place, he wondered why the European Union had not gone one step further and denounced those responsible by name. All those towns were located in the part of the country under foreign occupation and the massacres had been perpetrated by the Rwandan military. The thousands of Congolese who had been killed and to whom reference was made in paragraph 2 (c) (iv) had perished at the hands of the Ugandan military. Paragraph 3 (g) appeared to contradict paragraph 1 (g), which welcomed the commitment of the Government to demobilize child soldiers.

125. It was regrettable that, throughout the text, the European Union had preferred to use the term "the parties", thus placing a rebel group on an equal footing with a sovereign Government. Paragraph 4 was replete

with confusing information, distortions and blanket accusations, many of which had appeared in the corresponding resolution of the previous year. His Government rejected those affirmations, which had apparently been maintained for merely political purposes, and reaffirmed its commitment to the principle of equality between the Members of the United Nations, to human rights and fundamental freedoms and to human dignity and human worth. The European Union would do well to follow up on the concrete proposals put forward in the Third Committee by the United Nations High Commissioner for Human Rights, for example by assisting the Democratic Republic of the Congo, through constructive cooperation, to bring the foreign aggression to an end and to establish a lasting and just peace. The international community had a duty to help the Congolese people to recover their dignity, out of respect for the millions of Congolese who had died or been displaced since 2 August 1998.

Draft resolution A/C.3/55/L.64: Situation of human rights in Haiti

126. **The Chairperson** informed the Committee that draft resolution A/C.3/55/L.64 had no programme budget implications, and that Andorra, Australia, Belgium, Brazil, Denmark, Finland, Germany, Greece, Honduras, Ireland, Italy, Japan, the Netherlands, Paraguay, Peru, Portugal, Spain, the United Kingdom of Great Britain and Northern Ireland and Uruguay had joined the sponsors of the draft resolution.

127. **Ms. Newell** (Secretary of the Committee) read out the revisions which had been announced by the delegation of Venezuela during the introduction of the draft resolution.

128. **Mr. Aguzzi-Durán** (Venezuela), speaking as the main sponsor of the draft resolution, said that the delegations of Hungary, Luxembourg, Malta, Nicaragua, Panama, Romania, Sweden and Togo had also joined the sponsors.

129. **Ms. Romulus** (Haiti) pointed out that in previous years draft resolutions on the situation of human rights in Haiti submitted to the Committee had always been the subject of a consensus, with her delegation among the sponsors. Unfortunately, her delegation could not join the sponsors of the draft resolution currently under consideration as it did not reflect the Haitian Government's concerns. While her delegation had no intention of blocking the adoption of the resolution by consensus, it wished briefly to set out some of its reservations, while reserving the right to express them in greater detail during debate on the draft resolution in the plenary Assembly.

130. In the sixth preambular paragraph, the proposal submitted by her delegation, which would have mentioned the right to development as a human right had been rejected. Her delegation would also have preferred it if the twelfth preambular paragraph had been recast to eliminate any intimation that the press was not free in Haiti. Concerning paragraph 8, while her delegation agreed that the Government and the authorities must take concrete corrective actions, it had also asked the sponsors to point to the need for an agreement between the interested parties in accordance with Haiti's Constitution and law. Paragraph 9 appeared to challenge the credibility of the Provisional Electoral Council, a position which was completely unacceptable to her Government, and paragraph 11 apparently implied that the Government did not ensure the promotion of children's rights. Throughout the text, references to the legislative elections held on 21 May 2000 gave the impression that all the difficulties encountered were attributable to the Government, without recognizing the efforts it had made.

131. *Draft resolution A/C.3/55/L.64, as orally revised, was adopted.*

132. **Mr. Tomos** (Dominican Republic) said that political stability was impossible in a country afflicted with tensions based on poverty. Paragraph 12 of the draft resolution ought to have highlighted the international community's contribution to relieving those tensions in Haiti and to have invited its further participation in the reconstruction of the country.

Draft resolution A/C.3/55/L.51/Rev.1: Situation of human rights in the Sudan

133. **The Chairperson** said that the draft resolution had no programme budget implications. As announced when the draft resolution had been introduced, the delegations of Andorra, Canada, Iceland and San Marino had become sponsors.

134. **Mr. Chataigner** (France) said that Australia and New Zealand had also become sponsors of the draft resolution, to which there were a number of revisions. In the last preambular paragraph, the phrase "Sudanese People's Liberation Army/Movement" should be

followed by the acronym "SPLA/M", in parentheses, and in subsequent references should be replaced by it. Similarly, in paragraph 1 (d) the phrase "Committee for the Eradication of Abduction of Women and Children" should be followed by the acronym "CEAWC", in parentheses, and subsequently replaced by it. In paragraph 1 (f) the words "additional efforts" should be followed by the phrase "by the Government of the Sudan". Paragraph 1 (i) should begin with the words "The renewed invitation ..." and the word "intolerance" should be followed by the phrase "and efforts by the Government of the Sudan to promulgate a new law on religious liberties and activities after an open and transparent process of consultation of high representatives of all religions". In paragraph 1 (m), the name of the Executive Director of the United Nations Children's Fund should be omitted; the naming of individual functionaries was not the traditional practice and the relevant phrase should read "of the Executive Director". Paragraph 1 (n) should be replaced by the following: "The convening and Final Communiqué of the fourth meeting of the Technical Committee on Humanitarian Assistance in Geneva (2-3 November 2000), attended by delegations of the Government of Sudan, SPLA/M and the United Nations".

135. In paragraph 2 (a) (ii), the phrase "forced displacement" should be followed by the words "of populations", and paragraph 2 (a) (vi) should consequently be deleted. In paragraph 2 (a) (iv), the phrase "including ... vaccination campaign" should be deleted. In paragraph 2 (a) (viii) the word "daily" should be deleted. The central section of paragraph 2 (b) (iii) should be deleted and the text should read: "Restrictions on freedom of religion and remaining obstacles to the freedom of expression, association and peaceful assembly".

136. In paragraph 3 (c), the phrase "in particular by SPLA/M" should be added after the word "shelling". At the end of paragraph 3 (d) the following phrase should be added: "and during the 'days of tranquillity', which had been agreed for the purpose of ensuring peaceful polio vaccination campaigns". In paragraph 3 (f), the phrase "humanitarian assistance" should be followed by the phrase "in conformity with international humanitarian law"; the phrase "the Blue Nile State" should be replaced by the phrase "areas in need throughout the country"; and the phrase "In particular, the Sudanese People's Liberation Army is urged" should be replaced by the phrase "and urges SPLA/M". In paragraph 3 (i), the phrase "The Sudanese People's Liberation Army is urged" following the word "soldiers" in the first line should be replaced by the following: "and urges SPLA/M", and the comma following the word "soldiers" in the third line should be deleted.

137. In paragraph 4 (d), the phrase "to put an end to the climate of impunity" should be deleted. In paragraph 4 (e), the words "To ratify" should be replaced by the phrase "To seriously consider ratifying, as a matter of priority,". In paragraph 4 (g), the phrase "and not cooperating with the efforts of CEAWC in addressing and preventing these activities" should be added after the word "activities". In paragraph 4 (i), the word "growing" should be inserted before the word "problem" and the word "access" should be replaced by the word "right". Lastly, paragraphs 4 (l) and (m) should be combined to read: "To implement the Standard Minimum Rules for the Treatment of Prisoners and to raise the age of the criminal responsibility for children in order to take into account the observations of the Committee on the Rights of the Child".

138. **Mr. Hynes** (Canada), speaking in an explanation of vote before the voting, said that, as a sponsor of the draft resolution, his delegation was deeply concerned about the abduction of children in the Sudan. It was, however, encouraged by the positive approach adopted by the Governments of the Sudan and Uganda at the International Conference on War-Affected Children, held in Canada in September 2000. Despite the decision by the Government of the Sudan to postpone the first meeting under the agreement signed at the Conference, he was optimistic that all parties would do their utmost to secure the release of all children abducted in the region.

139. **Mr. Davison** (United States of America) expressed regret that his delegation could not vote in favour of the draft resolution and had therefore requested a recorded vote. The draft resolution lacked balance and expressed insufficient condemnation of the human rights situation in the Sudan. Although the draft resolution was more comprehensive than in previous years, thanks to the excellent work of the Special Rapporteur, it nonetheless confused the issue by laying equal, or even disproportionate, blame for human rights violations on the Government and the Sudanese People's Liberation Army, despite the fact that the

Government was responsible for the repeated and increasingly deadly bombings of civilians and humanitarian installations. The draft resolution referred to aerial bombardment but made no mention of the perpetrators.

140. The draft resolution also failed to address the question of the regular bans on humanitarian aid flights into southern Sudan, in pursuit of the Government's use of starvation as a tactic of war. The draft resolution focused instead on SPLA/M and the conditions that it had imposed on the work of the international agencies. That showed a signal lack of even-handedness. Still more regrettable was the fact that, although the report of the Special Rapporteur had referred to "slavery-like practices", the draft resolution had avoided any such word, using the more timid formulation "abductions of women and children taking place within the framework of the conflict in southern Sudan". Yet it was well-known that the Government used slave raiding to weaken its enemies and extend its control over territory, including areas containing petroleum deposits. Future statements on the issue should be more forthright. On the issue of religious persecution, too, the draft resolution used conditional and hesitant language, giving the impression that an enlightened Government was in the process of redressing the situation. In reality the persecution of Christians, animists, Muslims and others for their religious beliefs was a root cause of the war in the Sudan.

141. **Mr. Erwa** (Sudan) said that, thanks to long negotiations with the European Union and great flexibility on the part of his delegation, a text had been agreed for a resolution to be adopted by consensus, on which his delegation would subsequently comment and point out errors of fact. The unexpected decision by the United States delegation to withdraw from the consensus was deplorable and a display of sheer hypocrisy. The United States supported the rebels who were trying to undermine the Government of the Sudan and sought to defend a recent attack by the rebels in the eastern part of the country, in which hundreds of people had been killed. The Special Rapporteur had made no mention of slavery. Abductions occurred only infrequently, and then by tribes acting independently of the Government.

142. If the United States was neutral vis-à-vis the parties, it would be in a position to help to settle the conflict. However, the United States was extremely biased; it was supplying the rebel movement with all the material support that it needed and had even defended the movement in spite of United Nations reports confirming human rights violations by the rebels. The Sudan was committed to human rights, and called on all countries that seriously supported them to reconsider the current practice of adopting resolutions that condemned alleged human rights abuses in specific countries. Such resolutions were designed to meet certain countries' particular political agendas.

143. In the light of the United States delegation's request for a recorded vote, and considering that his delegation had agreed to join the consensus in spite of its reservations on some aspects of the draft resolution, his delegation found itself obliged to vote against the draft resolution and called on all other delegations to do the same.

144. *A recorded vote was taken.*

In favour:

Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Bolivia, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Guyana, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Monaco, Mongolia, Namibia, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Slovakia, Slovenia, South Africa, Spain, Sweden, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Yugoslavia and Zimbabwe.

Against:

Algeria, Bahrain, Chad, China, Comoros, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, India, Indonesia, Iran (Islamic Republic of), Jordan, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Morocco, Myanmar, Oman, Pakistan, Qatar, Saudi Arabia, Sudan, Syrian Arab Republic,

Togo, Tunisia, United Arab Emirates and Viet Nam.

Abstaining:

Azerbaijan, Bangladesh, Belarus, Benin, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Cambodia, Cape Verde, Côte d'Ivoire, Ethiopia, Fiji, Gambia, Georgia, Ghana, Guinea, Honduras, Jamaica, Kenya, Lesotho, Madagascar, Malaysia, Maldives, Mali, Marshall Islands, Micronesia (Federated States of), Mozambique, Nepal, Nigeria, Papua New Guinea, Philippines, Russian Federation, Rwanda, Senegal, Sierra Leone, Singapore, Sri Lanka, Swaziland, Thailand, Uganda, Ukraine, United Republic of Tanzania, United States of America and Zambia.

145. *Draft resolution A/C.3/55/L.51, as orally revised, was adopted by 75 votes to 30, with 45 abstentions.*

146. **Mr. Mowla** (Bangladesh), speaking in explanation of vote, said that his delegation had abstained in the vote because of its principled position regarding country-specific human rights resolutions.

147. **Mr. Vienravi** (Thailand) said that his delegation welcomed the express commitment of the Sudanese Government to promoting human rights, the rule of law and democratization, as well as its readiness to continue to cooperate with the Office of the United Nations High Commissioner for Human Rights, including the invitation to the Special Rapporteur to visit the Sudan. In the light of those positive developments, his delegation had abstained in the vote on the draft resolution. He hoped that the Sudan would continue to promote human rights and development for the benefit of its people and continue to cooperate with the United Nations in that regard.

148. **Ms. Al-Hajaji** (Libyan Arab Jamahiriya) said that her delegation had voted against the draft resolution because it had hoped that the Sudan and its partners would prepare a draft resolution that could have been adopted by consensus. The Government of the Sudan had made efforts to support human rights and had cooperated with the Office of the United Nations High Commissioner for Human Rights as well as with the various mechanisms of the Commission on Human Rights. It would have been preferable for the Committee to encourage the Sudan's positive efforts rather than adopt a resolution that might have negative implications for the State concerned.

149. **Mr. Chataigner** (France) said that his delegation regretted that it had not been possible to adopt the draft resolution by consensus. The European Union would continue to pursue its dialogue with the Sudan, and it hoped that the Sudanese Government would continue to work with it in a spirit of cooperation.

Draft decision

150. **The Chairperson** suggested that the Committee should recommend to the General Assembly that it should take note of the following documents under agenda item 114 (c): the note by the Secretary-General transmitting the report of the Special Representative of the Commission on Human Rights on the situation of human rights in Rwanda (A/55/269); the note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (A/55/282*); the note by the Secretariat on the situation of human rights in the Democratic Republic of the Congo (A/55/318); the note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights in Burundi (A/55/358); and the note by the Secretary-General on the human rights situation in southern Lebanon and western Bekaa (A/55/400).

151. *It was so decided.*

(a) Implementation of human rights instruments (*continued*)

152. **The Chairperson** suggested that, before concluding its consideration of item 114 as a whole, the Committee should recommend to the General Assembly that it should take note of the following documents under agenda item 114 (a): the report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/55/178); the report of the Secretary-General on the status of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (A/55/204); the report of the Secretary-General on the status of the Convention on the Prevention and Punishment of the Crime of Genocide (A/55/207); the report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/55/208); and the note by the Secretary-General on enhancing the long-term effectiveness of the United

Nations human rights treaty monitoring system (A/55/313).

153. *It was so decided.*

154. **The Chairperson** said that the Committee had completed its consideration of agenda item 114 as a whole.

Agenda item 109: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*) (A/C.3/55/L.66)

Draft resolution A/C.3/55/L.66: New international humanitarian order

155. **Mr. Prica** (Bosnia and Herzegovina) said that Bangladesh had joined the sponsors of draft resolution A/C.3/55/L.66. The suggestion that had been made to replace "human rights law" by "human rights instruments" had been withdrawn. The term "human rights law" should be restored in the relevant preambular and operative paragraphs, since the Committee had just adopted resolutions that used such terminology. It had been suggested that, for the sake of completeness, reference should be made to the General Assembly resolution that had established the Office for the Coordination of Humanitarian Affairs. That reference would be contained in a new third preambular paragraph, which would read:

> "*Recalling* its resolution 46/182 of 19 December 1991 and its annex relating to humanitarian assistance,".

In paragraph 2, the words "internationally accepted" should be inserted before the word "principles" and, in paragraph 3, the words "within their respective mandates" should be inserted after the words "organizational mechanisms".

156. *Draft resolution A/C.3/55/L.66, as orally revised, was adopted.*

The meeting rose at 9 p.m.